

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

July 21, 2003

Regular Meeting

The regular meeting of Council was called to order by President Klemack at 8:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer, a moment of silence and the Pledge of Allegiance, roll was called and the following members were present:

Bob Hatley Maria Klemack Budd Eversman

1. President Klemack moved to excuse Mr. Radi & Mr. Saxton; seconded by Mr. Eversman.

| | |
|--------------|-----|
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |

2. Mr. Eversman dispense with the reading of the previous meeting minutes and approve as written; seconded by Mr. Hatley.

| | |
|--------------|-----|
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |
| Mr. Hatley | Yes |

3. President Klemack read the agenda items and they were approved by unanimous consent.

In the absence of Mr. Saxton, The Chair recognized Mr. Eversman, for discussion and voting of legislative agenda items under the Lands & Zoning Committee.

1. Ordinance C-54-03 (Rezone 18.6 acres located North of Holton Road and West of Winter Creek Drive from SF-1 to PUD-R) was given its second reading and public hearing.

Mr. Jack Reynolds, attorney for petitioner, was present. He explained that last month this property was annexed and they are following up with the rezoning to add on to the Creekside subdivision. He said once the zoning is approved, they would submit a Development Plan. Mr. Eversman asked if M/I was going to develop this portion with the same quality & type homes as the rest of Creekside. Mr. Reynolds said yes. Actually, the square footage has been increased to about 1,900 for ranches and 2,200 for two-stories. They will also be including a Reserve Area along the creek and a bike path.

There being no additional questions or comments, Mr. Eversman moved it be approved; seconded by President Klemack.

| | |
|--------------|-----|
| Mr. Eversman | Yes |
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |

2. Ordinance C-55-03 (Rezone 17.6 acres located at 2260 Holton Rd. from SF-1 to Rural) was given its second reading and public hearing.

Mr. Jack Reynolds, attorney, introduced Mr. Chris Roach, property owner. Mr. Reynolds stated that M/I purchased the 18.6 acres to the north of the Roach property. The area to the south of the creek is requesting Rural zoning, in order to maintain what is currently permitted in the unincorporated area. Mr. Roach indicated that the property in question is what is left over from what M/I is buying. He said they are in the process of building a home. There are three horse barns, between the properties, and they would like to upgrade those – possibly replacing the older ones – as well as replace the fencing. He said they already have horses on the property (a donkey, etc.) and it is only for their personal use. No commercial farming. Mr. Eversman commented that this acreage consists of four different parcels. He asked if Mr. Roach would own them all. Mr. Roach said basically, he, his wife and his sister would own them all. Mr. Hatley asked how long he owned the property and how long there had been animals on it. Mr. Roach said that as long as he knew, there had always been animals on it. They have owned one parcel for about five (5) years and the other parcels about 10 years. Mr. Hatley asked about the existing barns. Mr. Roach said there are three barns and they would like to repair two. Hopefully, they can replace one and make it a little bigger. Mr. Hatley asked if they would be left in the same proximity as they are now. Mr. Roach said yes.

Ms. Sharon Nessler, property owner directly to the west, expressed her objection to the rezoning of the property. She indicated that the parcel contiguous to hers had one horse on it for only a short time and not until Beth Roach purchased it, had there been any other animals on it. She contests having animals next to her property, for her child's safety. She said they chose to be annexed and should live with it. Mr. Hatley confirmed that the zoning in the Township and over the majority of the life of the property, animals have been allowed.

There being no additional questions or comments, Mr. Eversman moved it be approved; seconded by Mr. Hatley.

| | |
|--------------|-----|
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |

3. Ordinance C-56-03 (Rezone 3340 and 3358 Ventura Blvd. from R-2 to SD-3) was given its second reading and public hearing.

Mr. Jim Blackburn, Dir. of Service, explained that this is an expansion of Windsor Park for parking and the City's salt shed.

There being no additional questions or comments, Mr. Eversman moved it be approved; seconded by President Klemack.

| | |
|--------------|-----|
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |
| Mr. Hatley | Yes |

4. Resolution CR-47-03 (Approve the Development Plan for Gallucci Homes located north of S.R. 665 and east of Borror Road) was given its reading and public hearing.

Mr. Don Plank, attorney for petitioner, was present. He stated that there were nine stipulations set by Planning Commission and a couple of them need to be discussed. Mr. Eversman asked if he agreed to the other seven. Mr. Plank said yes. First, Mr. Plank felt Item #2 was inadequate. He said they have contacted the property owner to the north and

continue to negotiate with him, but there is no incentive to purchase this ground. The next item is #8. He said he doesn't believe that the Code requires an entry feature for this subdivision, since they are extending existing streets. These are not major thoroughfares. If they are going to spend money, they would rather do it in their own subdivision, rather than another subdivision. Mr. Hatley asked how there were not street trees in Woodfield Oaks subdivision. Mr. Plank said that wasn't his client's responsibility. Mr. Eversman asked if it was required by Code for this new subdivision to have an entry feature. Mr. Clark, City Attorney, said he would have to review the Code, but felt that Mr. Plank had given a good review and opinion. Mr. Stage commented that he too felt it was to take in major access points and the Administration would not require an entry feature. Mr. Eversman asked about Item *2. Mr. Stage said he had no problem removing this stipulation either. Mr. Plank asked that the stipulation remain, in the case that they did reach an agreement, the plan would already be approved.

Mr. Eversman moved to amend Section #1 to include the following ". . ., except for Item #8."; seconded by Mr. Hatley.

| | |
|--------------|-----|
| Mr. Eversman | Yes |
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |

Mr. Ron Bettin, property owner to the north, passed out a packet of information to the Council Members regarding the two parcels in question (Woodfield Oaks and the proposed subdivision). He explained that the Reserve was created at the request of the City, for future development. He stated that the sole access to his property was from Tuscarora, with a Deed Restriction. He said he purchased a Devil's strip to gain access to Hawthorne Parkway for the Woodfield Oaks subdivision. He went through the packet of information and referenced a design for the Waller property (proposed new subdivision) using the Reserve for lots and no access to S.R. 665. He stated that over the years, he has spent a lot of money to do things right and had the understanding that two lots would be lost without the Reserve. The Reserve gives him access to Tuscarora. He asked Council to postpone this Resolution until this could be worked out. He said he has only received one phone call from Mr. Plank and after a short discussion with no agreement, Mr. Plank stopped and said they had met their obligation. Mr. Hatley asked when the street trees for Woodfield Oaks would be installed. Mr. Bettin stated that the Code requiring street trees was not in force at the time of his development. Mr. Blackburn stated that there is a Developer's Agreement for this subdivision and street trees were a part of the Agreement. Mr. Hatley stated that he felt the issue of the Reserve was something the two developers needed to work out.

There being no additional questions or comments, Mr. Eversman moved it be approved; seconded by Mr. Hatley.

| | |
|--------------|-----|
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |

5. Mr. Eversman stated that the Administration has requested Council reconsider their decision of Resolution CR-49-03 (Development Plan for Margie's Cove).

Mr. Stage commented that he has never had a reconsideration to a Development Plan, however at the last meeting there were some gray areas with this Plan. He had asked Council to add a stipulation to require a Developer's Agreement, but he doesn't believe that he can work out those

gray areas through this Agreement. After the last Council meeting, he met with EMH&T and found other items at issue. He said he sent Mr. Ettore a letter outlining this additional issues and asked that Council reconsider this Resolution and postpone it to the next meeting so they can get these worked out.

Mr. Ettore, developer of Margie's Cove, commented that he doesn't believe it is a good precedent to set to allow approval of a plan that meets all the Code requirements to be reconsidered because of the cost of a culvert. He feels that this is a way to get him to pay for a culvert. He further expressed is discord and opposition to the reconsideration. Mr. Eversman asked him about some changes he is willing to make for a couple of the residents in the area. Mr. Ettore said that he has spoken to the surrounding residents and while most are in favor of this development, there were two residents who did have some objections. He said he has agreed to use natural materials on the backs of homes on lots #92 – 95 and on the south side of the home on lot #91. He will also increase the trees in the buffer behind lost #92 – 95 from 20' on center to 15' on center and increasing the evergreen trees on the south side of the mound from 6' to 10' in height. Mr. Eversman confirmed that Mr. Ettore would only agree to these additional requirements if the resolution would not be reconsidered. Mr. Ettore said yes.

Mr. Widener, Orders Rd., stated that these new requirements were helpful to the situation but it doesn't take into account that there are six illegal lots, per the Code. Mr. Clark stated that he has researched that section of the Code and does not agree that this section applies. He asked Mr. Widener if he is satisfied with the compromise offered by Mr. Ettore. Mr. Widener said he would rather have the homes turned around to face Orders Road, but if this is the best he could get then he had nothing more.

Mr. Stage stated that the concern over the plan was not just a monetary issue. He said with the move of the street by 65 feet, it opens up many other issues that must be addressed.

There being no additional questions or comments, Mr. Eversman moved to Reconsider Resolution CR-49-03. Motion died due to the lack of a second.

6. Mr. Eversman stated that at the last meeting, Ordinance C-51-03 (Approve the Rezoning of 83± acres located east of Broadway and south of Hoover Park Subdivision from SF-1 to PUD-R) and Resolution CR-44-03 (Approve the Development plan of Holton Run Subdivision, located East of Broadway) were denied. The petitioner has requested that Council reconsider these actions.

Mr. J.C. Hanks and Linda Menerey, Homewood Corporation, were present and stated that after the last meeting, they went back and reviewed the plans. They now have permission to agree to make the changes Council was asking for. They stated that they would lose three lots on the main thoroughfare to increase the size of lots and reducing the number of 75' wide lots within the subdivision. They also agreed to commit to all two-car garages in the condominium portion. Mr. Eversman asked how many lots this would provide. Mr. Hanks said 159. Mr. Eversman asked how many were below 80' wide. Mr. Hanks said 11. Mr. Eversman asked how many 75 – 80' wide lots would be in a row. Mr. Hanks said they have broken them up significantly and showed a new drawing. Mr. Eversman noted that it appeared that rather than increasing all the lots a few feet, they still have some 75' wide lots mixed in with the 80's. Mr. Hanks said that was correct, as they felt rather than making them all 77' wide it would be better to have more 80' and higher lots with a few 75' wide lots mixed in. Mr. Eversman stated that, as he suggested last time, it would be better to take out one more lot to eliminate all the 75' wide lots in this area.

There being no additional questions or comments, Mr. Eversman moved to reconsider Ordinance C-51-03; seconded by Mr. Hatley.

| | |
|--------------|-----|
| Mr. Eversman | No |
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |

Mr. Eversman moved to postpone C-51-03 to 8/4/03; seconded by Mr. Hatley.

| | |
|--------------|-----|
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |

Mr. Eversman moved to reconsider Resolution CR-44-03; seconded by President Klemack.

| | |
|--------------|-----|
| Ms. Klemack | Yes |
| Mr. Eversman | No |
| Mr. Hatley | Yes |

Mr. Eversman moved to postpone Resolution CR-44-03 to 8/4/03; seconded by Mr. Hatley.

| | |
|--------------|-----|
| Mr. Eversman | Yes |
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |

In Mr. Radi's absence, President Klemack, Chaired the Safety Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-61-03 (Amend Section 1101.08(b) of the Codified Ordinances of Grove City, Ohio titled Plan Content) was given its second reading and public hearing.

Mr. Stage noted that this is just a housekeeping issue to keep lot numbers consistent throughout the development and platting process.

There being no additional questions or comments, Ms. Klemack moved it be approved; seconded by Mr. Hatley.

| | |
|--------------|-----|
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |

The Chair recognized Mr. Hatley, Chairman of the Finance Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-62-03 (Appropriate \$3,811.95 from the General Fund for the Current Expense of Vehicle Repair) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Eversman.

| | |
|--------------|-----|
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |
| Mr. Hatley | Yes |

2. Ordinance C-63-03 (Appropriate \$16,000.00 from the General Recreation Fund for the Current Expense of Recreation Programming) was given its second reading and at the request of the City Administrator, Mr. Hatley moved it be withdrawn; seconded by Mr. Eversman.

| | |
|--------------|-----|
| Mr. Eversman | Yes |
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |

3. Ordinance C-64-03 (Appropriate \$752,777.56 from the \$5.00 License Fee Fund for the Current Expense of the Reconstruction of Hoover Road from Milligan Grove to Orders Road) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Eversman.

| | |
|--------------|-----|
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |

4. Ordinance C-65-03 (Appropriate \$305,000.00 from the County Contribution Fund for the Current Expense of the Reconstruction of Hoover Road from Milligan Grove to Orders Road) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Eversman.

| | |
|--------------|-----|
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |
| Mr. Hatley | Yes |

5. Ordinance C-66-03 (Appropriate \$720,000.00 from the Hoover Road/Orders Project Fund for the Current Expense of Reconstruction of Hoover Road from Milligan Grove to Orders Road) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Eversman.

| | |
|--------------|-----|
| Mr. Eversman | Yes |
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |

Mr. Hatley asked Mr. Blackburn how the project was coming. Mr. Blackburn stated that if they could get a break in the weather they would be doing better, but they plan to be done before school starts.

6. Ordinance C-67-03 (Appropriate \$8,260.83 from the Sewer Fund to Pay a Proportionate Share of the Buckeye Sewer Agreement) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Eversman.

| | |
|--------------|-----|
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |

7. Ordinance C-68-03 (Accept the Donation of Reserve "A" of the Annabelle Robinson Subdivision) was given its second reading and public hearing.

Mayor Grossman commented that this is a small access to the lift station that the City has maintained since the installation of the lift station.

There being no additional questions or comments, Mr. Hatley moved it be approved; seconded by Mr. Eversman.

| | |
|--------------|-----|
| Mr. Hatley | Yes |
| Ms. Klemack | Yes |
| Mr. Eversman | Yes |

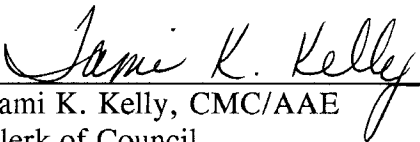
8. Ordinance C-69-03 (Authorize the City Administrator to Enter into a Multi-year Agreement with North American Broadcasting Company, Inc. for Antenna Tower Lease) was given its first reading. Second reading and public hearing will be held on August 4, 2003.

The Chair asked that any new business to be brought before the attention of Council be done so at this time.

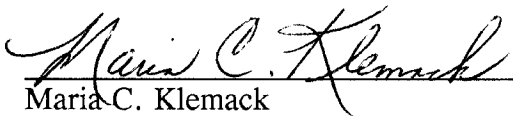
There being no new business, the Chair recognized members of Administration and Council for closing comments.

1. Mayor Grossman commented on current events and congratulated Mr. Bill Blackburn on his retirement from the Jackson Township Fire Department.
2. After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:18 p.m.



Tami K. Kelly, CMC/AEE
Clerk of Council



Maria C. Klemack
President